



REPUBLIC OF KENYA

THE SENATE

PROGRAMME OF SENATE BUSINESS

WEEK COMMENCING TUESDAY, MARCH 13, 2018

**** 12TH PARLIAMENT * 2ND SESSION***

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REPUBLIC OF KENYA

THE SENATE

TWELFTH PARLIAMENT (SECOND SESSION)

PROGRAMME OF SENATE BUSINESS

FOR THE WEEK COMMENCING TUESDAY, MARCH 13, 2018

TUESDAY: Communication from the Chair, Messages, Petitions, Papers, Notices of
13/3/2018 Motion, Statements, Motions and Bills

A. *THE COUNTY BOUNDARIES BILL (SENATE BILLS NO. 6 OF 2017)

(Sen. Mutula Kilonzo Jr.)

(Second Reading)

(Resumption of Debate interrupted on Thursday, 8th March, 2018)

(The Mover to Reply)

**B. *THE ASSUMPTION OF OFFICE OF THE COUNTY GOVERNOR BILL
(SENATE BILLS NO. 1 OF 2018)**

(Sen. Paul Kimani Wamatangi)

(Second Reading)

(Resumption of Debate interrupted on Thursday, 8th March, 2018)

C. *THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE
BILLS NO. 11 OF 2017)**

(The Senate Majority Leader)

(Second Reading)

**D. MOTION –REPORTS OF THE 8TH ORDINARY SESSION OF THE FORUM
OF PARLIAMENTS OF MEMBER STATES OF THE INTERNATIONAL
CONFERENCE ON THE GREAT LAKES REGION(FP-ICGLR)**

(Sen. Samuel Poghio)

THAT, this House adopts the Report of the 8th Ordinary Session of the Forum of Parliaments of Member States of the International Conference on the Great Lakes Region (FP-ICGLR), held in the Central African Republic on 5th – 7th December, 2017, laid on the Table of the House on Tuesday, 20th February, 2018.

(Resumption of Debate interrupted on Tuesday, 6th March, 2018)

(Balance of Time – 2hrs 19 mins)

E. MOTION – REPORT OF THE WOMEN POLITICAL LEADERS ANNUAL GLOBAL SUMMIT

(Sen. (Dr.) Alice Milgo)

THAT, this House adopts the Report of the Senate Delegation to the Women Political Leaders Annual Global Summit, held in Reyjavik, Iceland from 28th -30th November, 2017, laid on the Table of the House on Wednesday, 14th February, 2018.

*(Resumption of Debate interrupted on Thursday, 22nd February, 2018)
(Balance of Time – 2hrs 57 mins)*

F. MOTION - ESTABLISHMENT OF AN AD HOC COMMITTEE TO INVESTIGATE THE CHALLENGES IN THE TEA SECTOR AND PROPOSE SOLUTIONS

(Sen. Aaron Cheruiyot)

THAT AWARE that Kenya is the third leading producer of black tea in the world accounting for about 10% of the total world tea production;

COGNIZANT that tea contributes 4% of Kenya's GDP and 26% of the country's export earnings;

FURTHER AWARE THAT the tea industry in Kenya supports close to six hundred thousand small scale farmers and provides direct or indirect employment to over two million Kenyans;

REALIZING that despite tea being Kenya's most important cash crop, the Kenyan tea farmers, who are mainly small scale farmers spread over fourteen counties, continue to receive a disproportionate return for the resources and time they put in tea production;

FURTHER ACKNOWLEDGING that the sector continues to face numerous other challenges which require urgent intervention to ensure that this critical sector thrives for the benefit of our economy;

CONCERNED that the current situation, if left unchecked, may lead to the collapse of this critical sector of Kenya's economy and great loss to the nation, investors and the Kenyan taxpayers;

NOW, THEREFORE, the Senate resolves to establish a Select Committee to conduct an inquiry into the challenges facing the tea sector in Kenya and to submit a Report to the Senate within five months, with specific legislative and policy interventions to address the problems facing the tea sector in Kenya;

AND FURTHER that the following Senators be appointed to the Select Committee:-

1. Sen. Irungu Kang'ata, MP;
2. Sen. (Dr.) Christopher Lang'at, MP;

3. Sen. Samson Cherarkei, MP;
4. Sen. Cleophas Malalah, MP;
5. Sen. (Prof.) Sam Ongeru, EGH, MP;
6. Sen. Njeru Ndwiga, EGH, MP;
7. Sen. George Khaniri, MGH,MP;
8. Sen. Aaron Cheruiyot, MP; and
9. Sen. Mercy Chebeni, MP.

G. MOTION-REPORTS OF THE 47TH AND 48TH SESSIONS OF THE AFRICAN CARIBBEAN AND PACIFIC (ACP) PARLIAMENTARY ASSEMBLY

(Sen. (Prof.) Margaret Kamar)

THAT, this House notes the Reports of the 47th and 48th Sessions of the African, Caribbean and Pacific (ACP) Parliamentary Assembly and the Inter-Sessional meeting and the 34th Session of the African, Caribbean and Pacific – European Union (ACP-EU) Joint Parliamentary Assembly held in Brussels on 9th to 12th October, 2017 and Haiti on 13th to 20th December, 2017, respectively, laid on the Table of the House on Wednesday, 28th February, 2018.

H. MOTION-ESTABLISHMENT OF OFFICES OF THE COMMISSION ON ADMINISTRATIVE JUSTICE AT THE COUNTY LEVEL

(Sen. Petronilla Were Lokorio)

THAT WHEREAS Article 59 of the Constitution establishes the Kenya National Human Rights and Equality Commission to among other functions investigate complaints of abuse of power, unfair treatment, manifest injustice or unlawful, oppressive, unfair or unresponsive official conduct;

AND WHEREAS Parliament enacted the Commission on Administrative Justice Act (No.23 of 2011) to restructure the Kenya National Human Rights and Equality Commission and to establish the Commission on Administrative Justice pursuant to Article 59(4) of the Constitution to provide for the membership, powers and functions of the Commission on Administrative Justice and for connected purposes;

AWARE that the function of the Commission on Administrative Justice among others is to investigate any conduct in state affairs, or any act or omission in public administration by any State organ, State or public officer in National and County Governments that is alleged or suspected to be prejudicial or improper or is likely to result in any impropriety or prejudice; including investigating complaints of abuse of power, unfair treatment, manifest injustice or unlawful, oppressive, unfair or unresponsive official conduct within the public sector;

FURTHER AWARE that the Commission is expected to carry out its mandate in accordance with the values and principles set out in the Constitution and other laws of Kenya;

COGNIZANT that the right to access public service and fair administrative actions is critical to delivery of services to the people both at the National and the county levels of government and in other related public institutions;

CONCERNED that the Commission has its headquarters in Nairobi with satellite offices in the counties of Mombasa, Kisumu, Isiolo and Uasin Gishu;

FURTHER CONCERNED that the absence of the Commission offices in the rest of the Counties has made it difficult for members of the public to report allegations of maladministration, delay, administrative injustice, discourtesy, incompetence, misbehaviour, inefficiency or ineptitude within the public service;

NOW THEREFORE, the Senate calls upon the Commission on Administrative Justice to urgently establish satellite offices in all other remaining counties to decentralize its services to facilitate members of the public to interact with the Commission and report allegations of maladministration in the public service with ease.

I. MOTION- TEACHING OF KISWAHILI LANGUAGE TO LEARNERS WITH HEARING DISABILITY

(Sen. (Dr.) Getrude Musuruve)

THAT AWARE that Article 27 of the Constitution of Kenya guarantees equality of every person in enjoyment of all rights and fundamental freedoms and prohibits discrimination against any person on any ground including disability and language;

FURTHER AWARE that Article 24 (2) (a) of the United Nations Convention on the Rights of Persons With Disabilities prohibits persons with disabilities from exclusion from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability;

ACKNOWLEDGING that Article 7 of the Constitution of Kenya provides for the national language of the Republic as Kiswahili and the official languages of the republic as Kiswahili and English;

APPRECIATING that the Report of the Commission of Inquiry into Education in Kenya (the Ominde Commission of 1965) proposed that Kiswahili language be taught as a compulsory subject both in primary and secondary schools in Kenya with the aim of making the language a vehicle for literacy works relevant to community work of various kinds;

COGNIZANT that Kiswahili language has been recognized as a unifying language in the East African Community, hence making it a *lingua franca* in the region;

CONCERNED that under the new curriculum of education in Kenya that is being piloted, learners with hearing disability are not offered Kiswahili language in primary schools, secondary schools and primary teachers training colleges;

NOW THEREFORE, the Senate calls upon the Ministry of Education, Science and Technology and other relevant state agencies to:

1. offer Kiswahili language as a core subject to learners with hearing disability in primary schools, secondary schools and primary teacher colleges;
2. come up with an elaborate syllabus for teaching Kiswahili as a core subject to deaf learners in primary, secondary and teacher training colleges; and
3. come up with an elaborate syllabus for teaching Kenya Sign Language (KSL) as an optional subject for learners who have no hearing disability and for deaf learners.

J. Any Other Business

WEDNESDAY: Communication from the Chair, Messages, Petitions, Papers, Notices of 14/3/2018 Motion, Statements, Motions and Bills

A. *THE COUNTY BOUNDARIES BILL (SENATE BILLS NO. 6 OF 2017)

(Sen. Mutula Kilonzo Jr.)

(Second Reading)

(Resumption of Debate interrupted on Tuesday, 13th March, 2018)

(Division)

B. *THE ASSUMPTION OF OFFICE OF THE COUNTY GOVERNOR BILL (SENATE BILL NO. 1 OF 2018)

(Sen. Paul Kimani Wamatangi)

(Second Reading)

(Resumption of Debate interrupted on Tuesday, 13th March, 2018)

C. **THE COUNTY GOVERNMENTS (AMENDMENT) BILL (SENATE BILLS NO. 11 OF 2017)**

(The Senate Majority Leader)

(Second Reading)

D. MOTION –REPORTS OF THE 8TH ORDINARY SESSION OF THE FORUM OF PARLIAMENTS OF MEMBER STATES OF THE INTERNATIONAL CONFERENCE ON THE GREAT LAKES REGION(FP-ICGLR)

(Sen. Samuel Poghio)

THAT, this House adopts the Report of the 8th Ordinary Session of the Forum of Parliaments of Member States of the International Conference on the Great Lakes Region (FP-ICGLR), held in the Central African Republic on 5th – 7th December, 2017, laid on the Table of the House on Tuesday, 20th February, 2018.

(Resumption of Debate interrupted on Tuesday, 6th March, 2018)

(Balance of Time – 2hrs 19 mins)

E. MOTION – REPORT OF THE WOMEN POLITICAL LEADERS ANNUAL GLOBAL SUMMIT

(Sen. (Dr.) Alice Milgo)

THAT, this House adopts the Report of the Senate Delegation to the Women Political Leaders Annual Global Summit, held in Reyjavik, Iceland from 28th -30th November, 2017, laid on the Table of the House on Wednesday, 14th February, 2018.

(Resumption of Debate interrupted on Thursday, 22nd February, 2018)

(Balance of Time – 2hrs 57 mins)

F. MOTION - ESTABLISHMENT OF AN AD HOC COMMITTEE TO INVESTIGATE THE CHALLENGES IN THE TEA SECTOR AND PROPOSE SOLUTIONS

(Sen. Aaron Cheruiyot)

THAT AWARE that Kenya is the third leading producer of black tea in the world accounting for about 10% of the total world tea production;

COGNIZANT that tea contributes 4% of Kenya's GDP and 26% of the country's export earnings;

FURTHER AWARE THAT the tea industry in Kenya supports close to six hundred thousand small scale farmers and provides direct or indirect employment to over two million Kenyans;

REALIZING that despite tea being Kenya's most important cash crop, the Kenyan tea farmers, who are mainly small scale farmers spread over fourteen counties, continue to receive a disproportionate return for the resources and time they put in tea production;

FURTHER ACKNOWLEDGING that the sector continues to face numerous other challenges which require urgent intervention to ensure that this critical sector thrives for the benefit of our economy;

CONCERNED that the current situation, if left unchecked, may lead to the collapse of this critical sector of Kenya's economy and great loss to the nation, investors and the Kenyan taxpayers;

NOW, THEREFORE, the Senate resolves to establish a Select Committee to conduct an inquiry into the challenges facing the tea sector in Kenya and to submit a Report to the Senate within five months, with specific legislative and policy interventions to address the problems facing the tea sector in Kenya;

AND FURTHER that the following Senators be appointed to the Select Committee:-

1. Sen. Irungu Kang'ata, MP;
2. Sen. (Dr.) Christopher Lang'at, MP;
3. Sen. Samson Cherarkei, MP;

4. Sen. Cleophas Malalah, MP;
5. Sen. (Prof.) Sam Ongeru, EGH, MP;
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7. Sen. George Khaniri, MGH,MP;
8. Sen. Aaron Cheruiyot, MP; and
9. Sen. Mercy Chebeni, MP.

G. MOTION- TEACHING OF KISWAHILI LANGUAGE TO LEARNERS WITH HEARING DISABILITY

(Sen. (Dr.) Getrude Musuruve)

THAT AWARE that Article 27 of the Constitution of Kenya guarantees equality of every person in enjoyment of all rights and fundamental freedoms and prohibits discrimination against any person on any ground including disability and language;

FURTHER AWARE that Article 24 (2) (a) of the United Nations Convention on the Rights of Persons With Disabilities prohibits persons with disabilities from exclusion from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability;

ACKNOWLEDGING that Article 7 of the Constitution of Kenya provides for the national language of the Republic as Kiswahili and the official languages of the republic as Kiswahili and English;

APPRECIATING that the Report of the Commission of Inquiry into Education in Kenya (the Ominde Commission of 1965) proposed that Kiswahili language be taught as a compulsory subject both in primary and secondary schools in Kenya with the aim of making the language a vehicle for literacy works relevant to community work of various kinds;

COGNIZANT that Kiswahili language has been recognized as a unifying language in the East African Community, hence making it a *lingua franca* in the region;

CONCERNED that under the new curriculum of education in Kenya that is being piloted, learners with hearing disability are not offered Kiswahili language in primary schools, secondary schools and primary teachers training colleges;

NOW THEREFORE, the Senate calls upon the Ministry of Education, Science and Technology and other relevant state agencies to:

1. offer Kiswahili language as a core subject to learners with hearing disability in primary schools, secondary schools and primary teacher colleges;
2. come up with an elaborate syllabus for teaching Kiswahili as a core subject to deaf learners in primary, secondary and teacher training colleges; and
3. come up with an elaborate syllabus for teaching Kenya Sign Language (KSL) as an optional subject for learners who have no hearing disability and for deaf learners.

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AWARE that the function of the Commission on Administrative Justice among others is to investigate any conduct in state affairs, or any act or omission in public administration by any State organ, State or public officer in National and County Governments that is alleged or suspected to be prejudicial or improper or is likely to result in any impropriety or prejudice; including investigating complaints of abuse of power, unfair treatment, manifest injustice or unlawful, oppressive, unfair or unresponsive official conduct within the public sector;

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I. MOTION – REGISTRATION OF PERSONS WITH DISABILITIES (PWDS)

(Sen. George Khaniri)

THAT AWARE THAT the National Council for Persons with Disabilities was established through the Persons with Disabilities Act, 2003;

FURTHER AWARE THAT registration of persons living with disabilities is a function of the National Council for Persons with Disabilities;

ALSO AWARE THAT persons living with disabilities are estimated to be about 10% of any given population;

COGNIZANT THAT for purposes of registration of persons living with disability, it is a mandatory requirement for one to undergo medical examination by a registered medical officer in a registered and certified health facility;

AWARE THAT medical services are now a devolved function;

CONCERNED THAT of the nearly 4 million Kenyans living with disabilities who reside in Kenya, there is a very small fraction of the number which is duly registered;

FURTHER CONCERNED THAT without proper registration, many persons living with disabilities are denied services because they lack the necessary proof of disability;

ALSO CONCERNED THAT owing to lack of accurate data on persons living with disabilities, the government at both levels cannot plan properly for this category of people;

NOW THEREFORE, the Senate calls upon the National Council for Persons with Disabilities in collaboration with Ministry of East African Community, Labour and Social Protection and county governments, to carry out a nationwide registration of all persons living with disabilities in order to determine their exact population to facilitate effective service for this marginalized group of our society.

J. Any Other Business

THURSDAY: **Communication from the Chair, Messages, Petitions, Papers, Notices of**
15/3/2018 **Motion, Statements, Motions and Bills**

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(Second Reading)

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AWARE THAT medical services are now a devolved function;

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I. Any Other Business

KEY

- * * * *** - Denotes a Majority /Minority Party Bill
- ***** - Denotes a National Assembly Bill
- **** - Denotes a Committee Bill
- *** - Denotes any other Bill